



DEPARTMENT OF THE NAVY  
BOARD FOR CORRECTION OF NAVAL RECORDS  
2 NAVY ANNEX  
WASHINGTON DC 20370-5100

JLP:ddj  
Docket No: 2995-00  
28 July 2000

[REDACTED]

This is in reference to your application for correction of your naval record pursuant to the provisions of title 10 of the United States Code, section 1552.

[REDACTED]

A three-member panel of the Board for Correction of Naval Records, sitting in executive session, considered your application on 11 July 2000. Your allegations of error and injustice were reviewed in accordance with administrative regulations and procedures applicable to the proceedings of this Board. Documentary material considered by the Board consisted of your application, together with all material submitted in support thereof, your naval record and applicable statutes, regulations and policies. In addition, the Board considered the advisory opinion furnished by CMC memorandum 1300 MPO-46 of 24 May 2000, a copy of which is attached.

After careful and conscientious consideration of the entire record, the Board found that the evidence submitted was insufficient to establish the existence of probable material error or injustice. In this connection, the Board substantially concurred with the comments contained in the advisory opinion. Accordingly, your application has been denied. The names and votes of the members of the panel will be furnished upon request.

It is regretted that the circumstances of your case are such that favorable action cannot be taken. You are entitled to have the Board reconsider its decision upon submission of new and material evidence or other matter not previously considered by the Board. In this regard, it is important to keep in mind that a presumption of regularity attaches to all official records. Consequently, when applying for a correction of an official naval record, the burden is on the applicant to demonstrate the existence of probable material error or injustice.

Sincerely,

W. DEAN PFEIFFER  
Executive Director

Enclosure



DEPARTMENT OF THE NAVY  
HEADQUARTERS UNITED STATES MARINE CORPS  
3280 RUSSELL ROAD  
QUANTICO, VIRGINIA 22134-5103

IN REPLY REFER TO:  
1300  
MPO-46  
24 MAY 2000

MEMORANDUM FOR EXECUTIVE DIRECTOR, BOARD FOR CORRECTION OF NAVAL RECORDS

Subj: BOARD FOR CORRECTION OF NAVAL RECORDS (BCNR) APPLICATION IN THE CASE  
[REDACTED]

Ref: (a) MMER r/s of 11 May 00 (Docket Number 2995-00)  
(b) MCO P1050.3H  
(c) 10 U.S.C. 701

1. We have reviewed reference (a), which requests an opinion on the BCNR application of subject Marine. Reference (b) is the Marine Corps Order pertaining to Regulations for Leave, Liberty, and Administrative Absence, which establishes criteria for restoration of lost leave through special leave accrual (SLA). Reference (c) provides for SLA due to reduced opportunity to take leave caused by operational commitments only.
2. Based on the guidance contained in reference (c), SLA does not apply to individual cases of leave lost due to workload, hospitalization, convalescent leave, school assignments, permanent change of station/temporary additional duty order modifications, or any other scenario which does not meet the operational criteria outlined in paragraph 2008 of reference (b).
3. While on active duty, Staff S [REDACTED] was not entitled to restoration of lost leave due to the following:
  - a. The accumulation of leave was not due to operational commitments.
  - b. Ample time was afforded to use the leave in question prior to its loss on 1 October 1999.
  - c. He voluntarily and knowingly chose to lose the leave instead of expending the days in question.
4. Matters of payment are deferred to Programs and Resources Department for determination.
5. Point of contact is Captain Antonio Martinez, CMC (MPO-40), at (703) 784-9388 or by email at hamartin@manpower.usmc.mil.

E.G. SHERRILL  
Head, Manpower Policy Branch  
Manpower Plans and Policy Division  
By direction of the Commandant of the Marine Corps